App. F. IX-4

1930.31

File No. 5/30

Previous References

L.R. 250.29 (8.9.10+14) Law

Serial Nos. 1-3

Later References

Law 57-30 4

" 38-/30-1512/16.

" 64-31-1-8

(20)

General and Revenue Secretariat.

Serial Nos. Three.

Part B for Feb 31

SUBJECT.

OS. 4 of 30-31 (Visit Veerataffa Ch Esq) on the file of the Dy Judge. Tyrone.)

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3)

1732

G. R. S. APP F. III—1] 1930.

GENERAL AND REVENUE SECRETARIAT.

(~~Law~~) d/R.

NOTES.

105-30

File No. ~~S-L-30~~

FILE HEADING.

O.S. 4 of 1930-31 (Veerabhappa vs Chief Secy)
on the file of the Dist. Judge: Mysore.

FROM Dist. Judge, Mysore

No. 648 Dated 24.9.30 Received 26.9.30

Diary No. 1732	Enclos.	Spare copies	Serial No. 6

BRIEF ABSTRACT OF LETTER.

Forwarding a copy of the plaint and requesting to appear on 23rd oct 1930 — to which the case is posted for hearing.

NOTES AND ORDERS.

Date of Hg
23.10.30

Subd with a dft to the Pfr. Mysore requesting him to appear on 23.10.30; and

In the file regarding the notice issued by Veerabhappa L.R has expressed ~~an~~ opinion. The file is in the Rev Branch that may kindly be caused to be put up early

Rev Branch)
Please get L.Dg. 250-29 — 28/9

DM

NOTES—First Sheet.

WD 01683—GPB—5,000—3-5-29 Gbs. 8-9-13 &14.

29/9/30

To R.A. to L.R.):
with compliments

from the Records

App. F. III—2]

(7)

General and Revenue Secretariat | L.R. File No. 105 of 193

Serial No.	
(7)	To The Deputy Commissioner, Nilgiri D. Camp No. 11 14 21 8.10.1930 Request to instruct the Public Prosecutor to arrive at a Settlement of the Case etc Son 13/10/30

Son A S
Son
17/10

NOTE—Contn. Sheet.

WD 02553—G P B—50,000—8-7 30

Serial No.

to 5.3.31 by which time the amount of
mesne profits will have to be ascertained
and paid to the ptf and the same reported
to the Court on the next date of 4.9.
further report from the Pr may be awaited

ISD
30

For Legal Rr

Dy
30/1

Dy
3/2

Sec B

ISD
5/2

This may be closed

B

Dy
5/2

LOCAL AND LEGISLATIVE
OFFICE
1732
16 SEP
PROTECTION

IN THE COURT OF THE DISTRICT JUDGE AT MYSORE

O.S. No. 4 of 1930-1931

Plaintiff	Defendant
Veeratappa	Chief Secretary to the Government of Mysore.

51-30-1

Ex D-6 & 8
D 24.9.30 To
Postal Dept of Mysore Bangalore

The Chief Secretary to the Government of Mysore,

BANGALORE.

Sir,

Whereas the abovenamed plaintiff has filed a suit against you a copy of which herewith sent for your information I have the honour to state that the said suit stands posted to 23rd October 1930 - - - - and to request that you will be pleased to make it convenient to appear before this court at 11 A.M. on that date either in person or by a Pleader duly instructed and enable to answer all material questions relating to the suit and to cause production on that day all the documents upon which you intend to rely in support of your defence. In default of such appearance on the said date the matter will be decided in your absence. I request that the receipt of this may/be kindly acknowledged.

I have the honour to be,
Sir,
Your most obedient servant,

District Judge,
Mysore Dn.

Urgent

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

Dated, Bangalore, 8th October 1930.

Camp *No. R.* 14

From

B. NARAINSWAMIENGAR, Esq., B. A., B. L.,
Secretary to the Government of His Highness the Maharaja of Mysore,
Development Departments.

To

K.V.Anantaraman, Esq., B.A.,

Deputy Commissioner, Mysore District.

Sir,

Plaint in O.S.No.4 of 1930-31 on the file of the District Judge, Mysore re. the delivery of schedule properties to plaintiff Veeratappa together with the crop compensation due etc.

In continuation of the Office letter No.R.1151/E.R. 250-29-14 dated 14th August 1930 on the subject noted above, I am directed to request you to be so good as to instruct the Public Prosecutor to arrive at a settlement of the suit out of Court, the plaintiff being put in possession of the lands in due course. The result of action taken may be duly intimated to Government.

I have the honour to be,

Sir,

Your most obedient servant,

For Offg.Secretary to Government,
Development Departments

mk.2.

Office of the General and Revenue
Secretariat, Camp, Mysore.

Camp No. R 14
Dt. 8.10.1930

To

The Deputy Commissioner,
Mysore District.

Plaint in O.S.No.4 of 1930-31 on the file of the District Judge, Mysore re the delivery ~~of~~ of schedule properties to plaintiff Veeratappa together with the ~~x~~ crop compensation due.et.

Sir,

In continuation of the office letter No.R1151/L.R.250-29-14 dated 14-8-1930 on the subject noted above, I am directed to request you to be so good as to intruct the Public Prosecutor to arrive at a settlement of the suit out of court, the plaintiff being put in ~~position~~ possession of the lands in due course. The result of action taken may be intimated to Govt.

I have the honour to be,
Sir,
Your most obedient servant,

8/10/30

Bu. 8/10

For Offg. Secretary to Govt.
Develpmt. Departments.

19

The Public Prosecutor,
Mysore Division.

I have the honour to return herewith the Vakalat sent with your letter No.296 dated 22nd November 1930, duly signed by the Chief Secretary, for being filed on 27-11-1930 in O.S.4 of 30-31 (Veerathappa Vs. Government) on the file of the District Judge, Mysore. The progress made in the matter of getting the suit settled out of court as directed in the Development Secretary's letter No Camp R.14 of 8th October 1930 to the Deputy Commissioner Mysore, may kindly be intimated to this office in due course.

I have the honour to be,
Sir,
Your most obedient servant,

For Secretary to Government,
Law Department.

TD

18/4/20

7

In the Court of the District Judge, Mysore.

OS 4 of 30-31

Statement of Addresses of Parties

Pltff. Veeraiappa aged 62, son of Devanna of Veerashiva Caste, living in Ramasamudra Village, Chamarajanagar Tq-

Deft The Chief Secretary to the Government of Mysore- Bangalore

Under order VII Rule 1, along with Sec 80. C.P.C. Plaintiff begs to state as follows:-

1. Plaintiff had filed a suit in OS 984/26-27 on the file of Munsiff's Court against one Yellaswamy, son of Yellaswamy, residing in Alur village, Chamarajanagar Taluq. and after obtaining an hypothecation decree against the said defendant and the Schedule Properties which were hypothecated to plaintiff through the said bond (Registered) dated 27.5.20, plaintiff took out execution in Ex 1220/27-28. The Schedule Properties were bought in Court auction by the plaintiff and the sale was confirmed on 14.11.1928 thereupon plaintiff files an application for delivery of the property in his 290/28-29 and the properties were delivered to the plaintiff on 27.3.29. by the Court Amin. The Sale Certificate and the certified copy of the delivery receipt are herewith filed. From the date of the said delivery the properties are in the possession and enjoyment of

Plaintiff

6

2. In pursuance of the order K.B. 135.28 25.4.29 issued from the Deputy Commissioner of Mysore, the Schedule properties were sold on 7.8.29 to recover the dues from the Plaintiff's debtor in Yellegowda, mentioned in the 1st para of the plaint in connection with the Excise Shop which the said Yellegowda had opened in Channapatna Ramanagaram Tq. On 7.8.1929, the Amildar of Channapatna Tq, issued a notice to plaintiff that the Schedule properties were purchased by Government on 7.8.29 and the Plaintiff ought not to enter on the lands. The Amildar by virtue of his official position wrongfully took possession of the lands and crops.

3. Plaintiff was in lawful possession of the properties being before the date of sale by the Excise Authorities the debt due to Plaintiff was on an hypothecation bond dated as early as 27.5.28 and Plaintiff is deprived of the properties without any legal sanction or justification

4. Plaintiff has suffered the loss of the crops, such as jola, Kottambiri, and paddy, which have been sold by the Government and Plaintiff estimates the loss to be Rs 100/-

5. Plaintiff issued a notice on 16.5.29 to the Deputy under Sec. 79 and 80 C.P.C claiming the delivery of the lands and the payment of the loss. As Plaintiff received no reply, the present suit has been filed.

DIST. ... 18 SEP. 1930

6. The cause of Action has arisen from 7.8.29 in Bathiketa grama, Chamarajanagar Tq, within the jurisdiction of this Hon'ble Court

7. Prayer for Judgement. Plaintiff prays for a decree
(1) that the Schedule Properties be delivered to plaintiff
(2) that the defendant should pay Rs 100/- for loss of the crops
(3) that the defendant do pay at the rate of Rs 100 per year till the date of the delivery of the lands.
(4) that the defendant should bear the costs of the plaintiff in the case-

8. Value of suit
-For the delivery of the lands. Item I is 40 (10 times the revenue)
— II(A) is 20 do
— II B is 5 do
— II(C) is 20 do
Rs. 85.

Stamp of the value of 8-8-0, and for loss of crops is Rs 100, Stamp of the value Rs 10/-
total value of Stamps 18.8-0 is Schilled

Schedule

ಚಾಮರಾಜನಗರ ತಾಲ್ಲೂಕು ಬತ್ತಿಕೆತ ಗ್ರಾಮದ ಸರ್ವೆ ನಂ.
ಅಳತೆ ಈ ರೀತಿ ಇದೆ.

I ಸರ್ವೆ ನಂ. ೪೦ ರಲ್ಲಿ ಸುಮಾರು ಮೂರು ಎಕರೆ
ಹೊಲ ಇದು ಸುಮಾರು ಪೂರ್ವ ಪಶ್ಚಿಮವಾಗಿ
ಉದ್ದವಿದ್ದು ಉತ್ತರ ದಕ್ಷಿಣವಾಗಿ ಅಗಲವಿದೆ. ಉತ್ತರದ ಕಡೆ
ಅಗಲವಿದ್ದು ಪೂರ್ವದ ಕಡೆ ಕಿರಿದಾಗಿದೆ ಪಶ್ಚಿಮದ ಕಡೆ
ಅಗಲವಿದ್ದು ಪೂರ್ವದ ಕಡೆ $\frac{39}{2}$ ಮೂಲೆ 3 ಅಂಗುಲ
ಪೂರ್ವದ ಕಡೆ 4-ಅಂ

2

II

(A) [illegible] 2 [illegible] 203 [illegible]

(B) [illegible] 257. [illegible]

(C) [illegible] 203 [illegible]

(Sd) [illegible]

I the plaintiff solemnly state that all that is contained in paras 1 to 8, in the plaint, are true to the best of my belief and knowledge and that I have signed this plaint in the office of Mr Subbaiah Advocate. Hence -

(Sd) [illegible]

true copy of plaint

Subbaiah
Advocate -

CHIEF SECRETARIAT R.2282 24 NOV 1930

5

General and Revenue Secretariat — Law File No. 51 of 1930. — 2577

P

R5973

Dev Sec 29/30

Serial No.	
1	Letter no 296 dated 22.11.30 from the Ppr. Mysore forwarding a form of vakalatnama to be filed in Court in Connection with O.S. 4 of 30-31 (Veera Thappa vs Ch. Secy) and informing that the Suit is posted to 27th inst for hearing. The previous file re: O.S. 4/30-31 remains still untraceable as the Br. Diary has been sent for binding. As soon as it is received it will be traced and put up. For the present the Vakalatnama may be got signed and returned to the Ppr. Mysore. The Case is posted to 27th inst. for favour of Signature (Ch. Secy)

Date of Hg 27.11.30

TSD 24/11

Rev Branch to trace & put up the file.

DRS 24/11

for J.S.S.

The connected Jus. file (CDK 105-30-6) is here with put up.

24-11-30

for favour of signature to the Vakalat (Hag S) Chief Secy).

Date of Hg 27.11.30.

DRS 24/11

Rev 25/11

Issue today the Draft put up

DRS 25/11

CHIEF SECRETARY'S 24 NOV. 1930

4301

NOTE—Continuation Sheet

WD 02553—50,000—GPB—8-7-30

Form File No. of 193 .

General and Revenue Secretariat

To

The PPr. Mysore

No. P. 2954 d 25.11.30 returning duly-signed the Vakalat to be filed in OS. 4/30-31 and requesting to intimate the Progress made in the matter of getting the Suit settled out of Court.

To

Rev. Br. for perusal & return.

TSD 27/11

27/11

J... PSIV

This may be returned to the Secretariat Branch after perusal:

Rev 1/12

1/12

Letter No. 420 dated 20th Jan 1931 from the PPr. Mysore stating that the DC. Mysore has been addressed as to the amount of mesne profits to be paid to the pff.

It is pointed out that Suit lands have been delivered to the pff on 10.11.30 and the fact has been reported to the Court by the pff's Counsel. D.C. Mysore being addressed as to the amount of mesne profits, the Suit is adjourned

Suit A

TSD 5/12

5/12

Serial No.

To

Fin! Br. with Compliments for favour of putting up early the L.R. file no. 250-29 (Ser nos: 8, 9, 13 & 14) which is taken by Mr. Venkatarambhaiah for D. No. 1054/30 on 9.9.30.

5.25/26
30/9/30

TSD 30/9 BS 3-9

The file referred to was not brought to Bangalore (Mysore). This may be returned to Rd. Rs for finding out the state of the Drawing No: from the Branch Drawing & getting the connected papers

D.S-1/10

D.S-1/10

Mr. Collins was returned to Rd. Rs vide to-day

Coll 30/9/30

Protn Br with (4 Covers)

The required file is put up.

TSD 4/10

The legal opinion given in the file put up clearly shows that there is no good defence to the Suit now filed by the party in the Sheriff Court Mysore.

Since Govt have also agreed with the legal opinion & ordered refund of the amount realised by sale of crops, it would appear

NOTE—Contn. Sheet.

3

1 of 3 cys

File No. of 193 | General and Revenue Secretariat

desirable if the Rev: authorities are instructed to put the plaintiff in poss^{n} of the lands in question, and arrive at a settlement of the suit out of Court.

Date of Hg 23/10/20

Legal R^{r}

BM 5/10.

D. M. 6/10

Recd back with compts

A copy of the Legal Remembrancer's above opinion may also be sent in continuation to the Deputy Com. Mysore Dist to instruct the Public Prosecutor and he may be asked to take necessary action thereon and to report the result to Govt

First number.

Rx. 8/10

CSR 8/10

today Rx 8/10

Submitted with a draft Ad. 6-10-30

The appl. Acop of the L. R's Opinion has already been sent to the D.C. Mysore &c-

Dept. Secy 8/10/20

Issued Rx. 8/10

2577 P 830

Prot Br)

1732 P

B/24/14 3PB- 192

From

The Public Prosecutor,
Mysore Division,
Mysore.

To

The Secretary to the Govt. of
H. H. the Maharaja of Mysore,
Development Departments,
BANGALORE.

Dated 22-11-30.

Despatched 22-11-30.

Received

General No.
No. 296

Enclosure No. /

Sir,

With reference to your letter Camp No. R.14 dated 8-10-30 addressed to the Deputy Commissioner, Mysore District, advising a settlement out of Court of O. S. 4 of 30-31 (Veerathappa Vs Chief Secretary) on the file of the District Judge, Mysore, I have the honour to enclose for the signature of the Chief Secretary a form of vakalatnama to be filed on his behalf in the Court of the District Judge, Mysore, and to request that the vakalatnama may be returned early duly signed.

The direction to arrive at a settlement of the suit

6.

suit contained in your letter to the Deputy Commissioner is being attended to. The suit is posted to the 27th instant.

I have the honour to be,

S i r,

Your most obedient servant.

K Ramachandra

Public Prosecutor,

Mysore Division.

Appendix F G—1

SUBJECT.....

17

Diary No. of letter replied to.....

General and Revenue Secretariat
( )
the 193

Date of issue 25/11

Signed by Mr N R J Row

List of enclosures.....

Copied by 25/11

Examined by.....

Section

File No. ST—30

Serial No. 2

No. P2954
Encl one

To
The P Pr, Mysore

Sir,

I have the honour to return herewith the Vakalat sent with your letter No: 296 dated 22nd Nov 1930, duly signed by the Chief Secy, for being filed in O.S. 4 of 30-31 on 27.11.30 (Veerathappa vs Govt) on the file of the District Judge, Mysore. The progress made in the matter of getting the suit settled

[over

WD 02559—GPB—25,000—25-6-30

out of Court as directed in
the Development Secretary's
letter No: Camp R 14 of 8th Oct 1930
to the D.C. Mysore, may
kindly be intimated to
this Office in due Course -

I have the

honour

to be

Sir

Your

Obedient

Servant

23/11

3762-930
P

Case ST-30-3 20

192 .

From

The Public Prosecutor,
Mysore Division,
Mysore.

To

The Secretary to the Govt.
of H.H.the Maharaja of
Mysore, Law Department,
Bangalore.

Dated 28-1-31.

Despatched 28-1-31.

Received

General No.

No. 428.

Enclosure No. nil

Dm. 211

Sir,

O. S. 4 of 1930-31.

(Veerathappa, Vs, Government)

With reference to your letter No.P.4396/Law dated 26-1-31 enquiring as to the progress made in settling out of court the above mentioned suit, I have the honour to state that the Deputy Commissioner, Mysore District, has been addressed as to the amount of mesne profits on receipt of which the same will be reported to the Court. The suit lands have been delivered to the plaintiff on 18-12-30 and the ~~fact~~ has been reported to the Court by the plaintiff's counsel. The suit is adjourned to 5-3-31 by which date the amount of mesne-profits will have to be ascertained and paid

2954/-